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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF  
MOUNT TIPTON WATER CO., INC. FOR AN  
EMERGENCY RATE INCREASE.

DOCKET NO. W-02105A-08-0262

PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 23, 2008, Mount Tipton Water Co., Inc. ("Mount Tipton") filed with the Arizona Corporation Commission ("Commission") an application requesting emergency rate relief to increase its cash flow so as to cover operation expenses and increase water availability to its customers. Mount Tipton specifically requested an emergency rate increase of \$10.00 per customer.

On June 13, 2008, a Procedural Order was issued scheduling a hearing in this matter for July 25, 2008, and establishing other procedural deadlines. Among these was a requirement that Mount Tipton file, by July 14, 2008, a certification that public notice had been mailed and posted in accordance with the Procedural Order.

On July 11, 2008, Staff filed its Staff Report, recommending approval of the emergency rate application, with conditions.

Mount Tipton did not file a certification regarding public notice by July 14, 2008.

On July 21, 2008, the Hearing Division received a fax stating that the Procedural Order had not been received by Mount Tipton; requesting a three-week extension to comply with the posting and mailing deadlines therein; and providing information regarding Mount Tipton's anticipated inability to obtain a bond or letter of credit as Staff recommended in the Staff Report.

On July 21, 2008, at the request of the Hearing Division, a telephonic procedural conference was held in this matter. Mount Tipton appeared through John Janik, President, and Karen Carter,

1 Treasurer. Staff appeared through counsel. During the procedural conference, Mr. Janik and Ms.  
2 Carter stated that Mount Tipton had not received the Procedural Order in the mail; that Mount Tipton  
3 had only become aware of the July 25, 2008, hearing date after having received the Staff Report; and  
4 that Mount Tipton had not yet provided any public notice of the hearing date either through mail or  
5 posting. As a result, it was determined that the hearing scheduled for July 25, 2008, would be  
6 vacated, and that another hearing date and associated procedural deadlines would be established.

7 On July 21, 2008, a Procedural Order was issued vacating the July 25, 2008, hearing;  
8 scheduling a hearing for August 25, 2008; and establishing associated procedural requirements and  
9 deadlines.

10 On August 7 and 12, 2008, comments on the application were filed by Mount Tipton  
11 customers.

12 On August 12, 2008, Mount Tipton filed a letter stating that notice had been mailed to its  
13 customers on August 4, 2008.

14 On August 13, 2008, Motions to Intervene were filed by Tom Albertson and Helga Abbott,  
15 both of whom identify themselves as residential customers of Mount Tipton and residents of Dolan  
16 Springs.

17 On August 15, 2008, a Motion to Intervene was filed by Jeanne Kay Greenfield, who also  
18 identifies herself as a residential customer of Mount Tipton and a resident of Dolan Springs.

19 As it appears that Mr. Albertson, Ms. Abbott, and Ms. Greenfield would be directly and  
20 substantially affected by these proceedings, as contemplated under Arizona Administrative Code  
21 R14-3-105, and it does not appear that their intervention would result in unduly broadening the scope  
22 of these proceedings, their respective Motions to Intervene should be granted.

23 IT IS THEREFORE ORDERED that the Motions to Intervene of Tom Albertson, Helga  
24 Abbott, and Jeanne Kay Greenfield are hereby granted.

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IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 20th day of August, 2008.

  
SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 20th day of August, 2008, to:

John Janik, President  
MOUNT TIPTON WATER CO., INC.  
P.O. Box 38  
Dolan Springs, AZ 86441  
Via U.S. Mail and Fax 928-767-3053

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

John Janik, President  
MOUNT TIPTON WATER CO., INC.  
P.O. Box 457  
Dolan Springs, AZ 86441

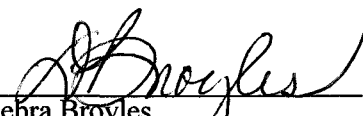
Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Tom Albertson  
50 Sandy Cove  
P.O. Box 542  
Meadview, AZ 86444-0542  
Via U.S. Mail and email to  
talbert50@frontiernet.net

Helga Abbott  
P.O. Box 1860  
Dolan Springs, AZ 86441  
Via U.S. Mail and Fax 928-767-3835

Jeanne Kay Greenfield  
P.O. Box 326  
Dolan Springs, AZ 86441  
Via U.S. Mail and Fax 928-767-3835

By:

  
Debra Broyles  
Secretary to Sarah N. Harpring